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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the First Amended Accusation
12 Against:

Case No. 2013-18

FIRST AMENDED ACCUSATION

13 **JENNIFER ANN KLEIN, aka JENNIFER**
14 **ANN KLEIN-LULECI**
15 **1492 Michele Way**
16 **Santa Rosa, CA 95404**
17 **Registered Nurse License No. 568315**
18 **Public Health Nurse Certificate No. 62746**
19 **Nurse Practitioner Certificate No. 17190**
20 **Nurse Practitioner Furnishing Certificate**
21 **No. 17190**

Respondent.

22 Complainant alleges:

PARTIES

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this First Amended Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
23 Department of Consumer Affairs.

24 2. On or about July 12, 2000, the Board of Registered Nursing issued Registered Nurse
25 License Number 568315 to Jennifer Ann Klein, aka Jennifer Ann Klein-Luleci (Respondent).
26 The Registered Nurse License was in full force and effect at all times relevant to the charges
27 brought in this Accusation and will expire on November 30, 2013, unless renewed.
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3. On or about October 3, 2000, the Board of Registered Nursing issued Public Health Nurse Certificate Number 62746 to Jennifer Ann Klein, aka Jennifer Ann Klein-Luleci (Respondent). The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on November 30, 2013, unless renewed.

4. On or about March 22, 2007, the Board of Registered Nursing issued Nurse Practitioner Certificate Number 17190 to Jennifer Ann Klein, aka Jennifer Ann Klein-Luleci (Respondent). The Nurse Practitioner License was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on November 30, 2013, unless renewed.

5. On or about March 24, 2011, the Board of Registered Nursing issued Nurse Practitioner Furnishing Certificate Number 17190 to Jennifer Ann Klein, aka Jennifer Ann Klein-Luleci (Respondent). The Nurse Practitioner Furnishing Certificate will expire on November 30, 2013, unless renewed.

JURISDICTION

6. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

7. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

9. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

1 13. "Methocarbamol" is a central nervous system depressant with sedative and a muscle
2 relaxant. It is a dangerous drug pursuant to Business and Professions Code section 4022.

3 14. "Topiramate" (brand name Topamax) is used to treat seizures. It is a dangerous drug
4 pursuant to Business and Professions Code section 4022.

5 15. "Lamotrigine" is used to treat seizures. It is a dangerous drug pursuant to Business
6 and Professions Code section 4022.

7 16. "Clonazepam" is a Benzodiazepine used to treat panic attacks. It is a Schedule IV
8 controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(7), and a
9 dangerous drug pursuant to Business and Professions Code section 4022.

10 COST RECOVERY

11 17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
12 administrative law judge to direct a licensee found to have committed a violation or violations of
13 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
14 enforcement of the case.

15 FIRST CAUSE FOR DISCIPLINE

16 (Conviction of Substantially Related Crimes)

17 18. Respondent has subjected her license to disciplinary action under code sections 2761,
18 subdivision (f), and 490, in that she was convicted of the following crimes that are substantially
19 related to the qualifications, functions, and duties of a registered nurse:

20 a. On September 19, 2008, Respondent was convicted by the court on her plea of nolo
21 contendere of a violation of Vehicle Code section 23152, subdivision (a) (driving under the
22 influence of drugs) in Monterey County superior Court, Case No. MS264784A, entitled *People v.*
23 *Klein-Luleci, Jennifer Ann*. The circumstances of the crime are that on or about January 22,
24 2008, Respondent drove a vehicle while under the influence of drugs. A blood test revealed that
25 Respondent had Methocarbamol, Topiramate, Lamotrigine, Lorazepam, and Clonazepam in her
26 system.

27 b. On or about September 3, 2010, Respondent was convicted by the court on her plea
28 of no contest of a violation of Penal Code section 148.3, subdivision (A) (false report of

1 emergency) in Monterey County Superior Court, case no. MS284984A, entitled People v. Klein,
2 Jennifer Ann.

3 The circumstances of the crime are that on or about February 15, 2010, Respondent
4 unlawfully reported to the Monterey Police Department that an emergency as defined in Penal
5 Code section 148.3, subdivision (c) existed, knowing the report to be false.

6 SECOND CAUSE FOR DISCIPLINE

7 (Unprofessional Conduct/Use of Drugs)

8 19. Respondent has subjected her license to disciplinary action under code section 2761,
9 subdivision (a), on the grounds of unprofessional conduct as defined in 2762, subdivision (b), in
10 that on or about January 22, 2008, she drove a vehicle while under the influence of drugs, as set
11 forth in paragraph 18, above.

12 THIRD CAUSE FOR DISCIPLINE

13 (Offense Involving Use of Drugs)

14 20. Respondent has subjected her license to disciplinary action under code section 2761,
15 subdivision (a), on the grounds of unprofessional conduct as defined by Code section 2762,
16 subsection (c), by virtue of the conviction set forth in paragraph 18, subparagraph (a), above.

17 FOURTH CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct)

19 21. Respondent has subjected her license to disciplinary action under code section 2761,
20 subdivision (a), on the grounds of unprofessional conduct, in that on or about July 27, 2011, while
21 a patient at Petaluma Valley Hospital, Petaluma Police Officers responded to a report that
22 Respondent was throwing objects at medical staff. Respondent had been placed on Welfare and
23 Institutions Code section 5150 hold on or about July 26, 2011, and brought to Petaluma Valley
24 Hospital for psychiatric evaluation. Respondent became agitated and verbally aggressive towards
25 hospital staff, while awaiting treatment and threw an empty soda can towards the nursing station.
26 The treating physician was standing near the nursing station at the time Respondent threw the
27 can. A nurse told Respondent not to throw items in the emergency room. Respondent replied
28 that she would throw whatever she wanted and didn't care who she hit. Respondent then grabbed

1 a portable phone and threw it towards the nursing station, nearly striking the physician. After the
2 incident, Respondent was wheeled into an isolation room. As Respondent passed the nurse's
3 station desk, she reached out and grabbed the "mouse" from the computer and ripped the cable
4 out of the computer. Respondent was unwilling to return the mouse or the cable when she was
5 requested to do so. Respondent was arrested for vandalism and assault and transported to
6 Sonoma County Jail for psychiatric evaluation.

7 FIFTH CAUSE FOR DISCIPLINE

8 (Unprofessional Conduct)

9 22. Respondent has subjected her license to disciplinary action under code section 2761,
10 subdivision (a), on the grounds of unprofessional conduct, by virtue of the conviction set forth in
11 paragraph 18, subparagraph (b), above.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
14 First Amended Accusation and that following the hearing, the Board of Registered Nursing issue
15 a decision:

16 1. Revoking or suspending Registered Nurse License Number 568315, issued to
17 Jennifer Ann Klein, aka Jennifer Ann Klein-Luleci;

18 2. Revoking or suspending Public Health Nurse Certificate Number 62746, issued to
19 Jennifer Ann Klein, aka Jennifer Ann Klein-Luleci;

20 3. Revoking or suspending Nurse Practitioner Certificate Number 17190, issued to
21 Jennifer Ann Klein, aka Jennifer Ann Klein-Luleci;

22 4. Revoking or suspending Nurse Practitioner Furnishing Certificate No. 17190, issued
23 to Jennifer Ann Klein, aka Jennifer Ann Klein-Luleci;

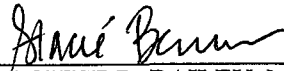
24 5. Ordering Jennifer Ann Klein, aka Jennifer Ann Klein-Luleci to pay the Board of
25 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
26 pursuant to Business and Professions Code section 125.3;

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6. Taking such other and further action as deemed necessary and proper.

DATED: September 6, 2012

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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